



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.11453 of 2019

and

W.M.P. (MD) .No.8720 of 2019

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Arun Prasath

...Petitioner

Vs.

1.The Additional Commissioner and
Regional Director (Admin - I),
Employees State Insurance Corporation,
Regional Office,
143, Sterling Road,
Chennai - 600 034.

2.The Joint Director,
Employees State Insurance Corporation,
ESI Corporation Sub Regional Office,
2nd West Street, K.K.Nagar,
Madurai.

3.The Deputy Director (Admin),
Employees State Insurance Corporation,
ESI Corporation Sub Regional Office,
2nd West Street, K.K.Nagar,
Madurai.

4.The Director General,
Employees State Insurance Corporation,
HQRS Office,
CIG Marg,
New Delhi - 110 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to proceedings of 3rd respondent vide proceedings : 51-A-12-12-97-M.Rajendran-Admn.I, dated 03.04.2019 and quash the same as illegal and unconstitutional, consequently, direct the respondents to forthwith appoint the petitioner under compassionate ground in any suitable post under the 3rd respondent, according to his educational qualification.

For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.I.Pinaygash
Standing counsel



O R D E R

Heard Mr.S.Balamurugan, learned counsel appearing for the petitioner and Mr.I.Pinayagash, learned Standing counsel for the respondents.

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2.The petitioner's father had died in the year 1996 while he was in service. When the petitioner herein had sought for appointment on compassionate ground, the same came to be rejected through the impugned order, dated 03.04.2019, stating that the earlier application made by his mother namely Smt. Jayarani, was already closed on 14.02.2003.

3.As per the regulations governing in the respondent Corporation, the application seeking for compassionate appointment by a legal heir requires to be made within three years from the date of the death of the employee. When the petitioner's mother had already made an application and the same is claimed to have been closed on 14.02.2003, second application made by the petitioner after a period of three years, will not fall within the time limit prescribed by the respondent corporation. Even otherwise, when it is claimed that the mother's application has already been closed in the year 2003, this application by the petitioner for the same purpose cannot be said to be a continuation of the earlier application of his mother. It is also brought to the notice of this Court that the petitioner's sister namely R.Priyadarshini had also made a similar claim on compassionate ground and the writ petition filed by her in this regard in W.P.(MD).No.4397 of 2013 was also withdrawn by her.

4.For all the foregoing reasons, I do not find any infirmity in the reasons given by the respondents in the impugned order.

5.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.I.PINAYGASH, Advocate (SR-5341[F] dated
16/02/2021)

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-5477[F] dated
16/02/2021)

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